

REMARKS

Claims 1-14 and 17-20 have been withdrawn. Claims 15 and 16 have been amended and new Claims 21-27 (dependent upon Claim 15) have been added. Claims 15, 16 and 21-27 are now presented in terms which applicants submit, obviate the 35 U.S.C. § 112 rejections.

Claim 15 is the only Claim in independent form. It has been amended to more clearly define the process invention. Prior to amendment, Claim 15 was rejected under 35 U.S.C. §102(b) over Shapira and under 35 U.S.C. § 103(a) over Shapira in view of Yakajima et al. Applicants respectfully request reconsideration of rejections based on these references.

Shapira is directed to a chicken egg containing a composition of antioxidants and low amounts of poly-unsaturated fatty acids (PUFA). The egg is produced by maintaining an egg laying chicken on a regime wherein the chicken is provided with a feed containing a controlled amount of PUFA and antioxidants (col. 6, lines 38 to 57). Shapira teaches that ubiquinol can be used as an antioxidant (page 7, lines 50 to 59). In Table 4, egg iodine and egg vitamin E (tocopherol) levels are shown.

Shapira does not teach a content of ubiquinol in the aforescribed egg. The process according to Shapira does not necessarily provide ubiquinol-enriched eggs. Even if ubiquinol is contained in the feed, it is consumed in the body of the chicken or otherwise is metabolized and converted to another substance. Therefore, the egg produced is not necessarily enriched with ubiquinol. It is not established in Shapira that the chicken egg is enriched with ubiquinol, i.e. that the content of ubiquinol in the egg increases. Furthermore, Shapira does not inherently produce eggs in which the content of ubiquinol increases. Accordingly, Shapira does not disclose a specific process for producing a ubiquinol-enriched oil/fat-containing food for human. Furthermore, it is obvious that the chicken feed does not correspond to a food for human and the human food material.

Shapira is silent about producing a food for human by adding ubiquinol to a human food material. As such, the process of Shapira is substantially different from the present invention and, accordingly, the present invention is neither anticipated by, nor obvious over, Shapira.

Regarding Yajima et al., applicants submit that it is not a prior art reference. Yajima et al is an international application which was filed after November 29, 2000 (on December 27, 2002), published on July 10, 2003 in Japanese, and then entered into the national stage. The present application is an international application which was filed on January 20, 2003. Accordingly, Yajima et al. is neither a 102(a) reference nor a 102(e) reference.

It is thus clear that no claims remaining in this application are effectively rejected by Shapira or Yajima et al. Shapira is neither anticipatory, nor does it render any of Claims 15, 16 and 21-27 obvious. Accordingly, the application should be in condition for allowance.

Respectfully submitted,

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